1943

File No. Cattle Tresspass II/43

Legal Department

B **BRANCH**

Subject:—

Rule & Notifications under the Cattle Tresspass Act 1871

P 5/E

File No. Cattle Tresspass II/42

Gen. 194 e.

350-I

Office of the R.L.A.

The question for consideration is whether it is necessary to undertake legislation for the purpose of keeping away goats and sheep from the newly bunded areas in pri vate occupation as well as lands in the vicinity of the afforested. areas.

2. It will not be possible to take action for the purpose under section 39(1)(m) of the Bombay District Police Act, 1890, Section 61⁴ of the District Police Act contains a special provision respecting cattle habitually allowed to Stray. But that section puhlishes only those persons who fail to keep in confinment or under restraint cattle between one hour after sunset and sunrise. The Section may not therefore be useful. Attention, however, is invited to section 26 of the Cattle Trespass Act , 1871. Para. 1 of that section provides that any owner or keeper of pigs who, through neglect or otherwise, damages or causes or permits to be damaged any land, or any crop or produce of land, by allowing such pigs to trespass thereon shall, on conviction before a Magistrate, be punished with fine not exceeding 10 rupees. Para. 2 of the said section gives power to the Provincial Government to direct by a notification in the Official Gazette with respect to any local area specified in the notification that the section shall be read as if it had reference to cattle generally, or to cattle of a kind described in the notification instead of to pigs only, or as if the words "fifty Rupees" were substituted for the words "ten rupees". It will therefore be possible under this section to issue a notification with respect to the areas in question containing the necessary direction in respect of sheep and goats. In On the issue of such a notification the owners or keepers of goats and sheep can be punished to the extent of Rs. 50 for allowing them to stray into the areas in question. If, however, R.D. thinks that the punishment provided for in the section is not sufficiently

deterrent, it would be necessary to undertake legislation for the purpose.

Id/- P.N.M.
14-7

Remembrancer of Legal Affairs.

U.R. to R.D. No. 91*-L dated the 15th July 1943.

Draft.

NOTIFICATION.

Revenue Department.

Bombay Castle, July 1943.

No. 9081/39.- In exercise of the powers conferred by section 26 of the Cattle-tresspass Ac 1871(I of 1871), the Govt. of Bombay is pleased to direct that any owner or keeper of sheep or goats who, through neglect or ~~xxxxxxxx~~ otherwise damages or causes or permits to be damaged any of the lands specified in the Schedule hereto annexed or any crop or [any] produce of the said lands, by allowing such sheep or goats to trespass thereon, shall, on conviction before a Magistrate, be punished with fine not exceeding fifty rupees.

Schedule

District Bijapur, taluka . . . . . .

Village	Survey No.

By order of the Governor of Bombay.

M.J.Desai,

Secretary to Government.

S.R. 14/7
4 copies.

NOTIFICATION.

Revenue Department.

Bombay Castle, July 1943.

Cattle-tress-pass Act, 1871.

No. In exercise of the powers conferred by the second paragraph of section 26 of the cattle-tresspass Act, 1871 (I of 1871), the Government of Bombay is pleased to direct that, with respect m to the local area specified in the Schedule herato appended, the first paragraph of the said section 26 shall be read as if it had reference to "sheep and goats", instead of to pigs only, and as if the words "fifty rupees" were substituted for the words "ten rupees".

Schedule.

*To be filled in by R.D.

Local area.

By order of the overnor of Bombay,

Secretary to Government.

S.C. 14/7
4 copies.

Office of the R.L.A .

A revised draft notification is sent herewith.

Id/- P.N.M.
21-7

Remembrancer of Legal Affairs.

U.R. to R.D. No. 5021 , dated the 22nd July 1943.